

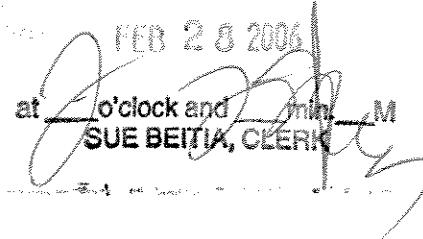
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ORIGINAL

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

FEB 28 2006
 at 10 o'clock and 1 min M
 SUE BEITIA, CLERK



Attorneys for Defendants WILLIAM P. BADUA,
 JEFFREY OMAI and SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,

Plaintiff,

vs.

WILLIAM P. BADUA;
 JEFFREY OMAI;
 SPENCER ANDERSON;
 NEIL PANG;
 and DOES 5-10,

Defendants.

-) CIVIL NO. CV03-476 KSC
-)
-) DEFENDANTS
-) WILLIAM P. BADUA,
-) JEFFREY OMAI AND
-) SPENCER ANDERSON'S
-) OPPOSITION TO PLAINTIFF'S
-) MOTION IN LIMINE RE
-) EXCLUSION OF ALL EVIDENCE
-) THAT THE ARREST WARRANT
-) FOR ALLEN COLOYAN WAS
-) SIGNED BY KEVIN S.C. CHANG;
-) CERTIFICATE OF SERVICE
-)
-) Date: March 13, 2006
-) Time: 1:30 p.m.
-) Judge: Honorable Kevin S.C. Chang
-)
-) TRIAL DATE: WEEK OF
- MARCH 14, 2006

**DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S OPPOSITION TO PLAINTIFF'S MOTION IN
LIMINE RE EXCLUSION OF ALL EVIDENCE THAT THE ARREST
WARRANT FOR ALLEN COLOYAN WAS SIGNED BY KEVIN S.C. CHANG**

Come Now Defendants WILLIAM P. BADUA, JEFFREY OMAI and SPENCER ANDERSON (hereinafter referred to as "Defendants"), by and through their attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and Marie Manuele Gavigan, Deputies Corporation Counsel, and file this memorandum in opposition to Plaintiff's motion, in limine, to exclude all evidence that the arrest warrant for Allan Coloyan¹ (hereinafter "Plaintiff's son") was signed by the Honorable Kevin S.C. Chang. For the reasons stated herein, the Defendants request that Plaintiff's motion, in limine, be denied based on the foregoing.

I. PLAINTIFF'S MOTION IN LIMINE

Plaintiff seeks to exclude "any evidence or any reference that the arrest warrant for Allen [sic] Coloyan was signed by United States Magistrate Kevin S.C. Chang". Plaintiff's Motion in Limine Re Exclusion of All Evidence that the Arrest Warrant for Allen Coloyan was Signed by Kevin S.C. Chang, page 3.

¹ Plaintiff refers to her son as "Allen Coloyan". However, Defendants believe that the correct spelling of her son's first name is "Allan".

In Plaintiff's Memorandum in Support of her Motion, Plaintiff asserts that there are two issues in this case to be litigated at trial.² In this particular motion, Plaintiff argues multiples issues; some issues which do not pertain to the subject matter of this motion, but pertain to the other two motions in limine filed in this case. However, Defendants will respond directly to the respective issue at hand in order to avoid any further confusion.

II. DISCUSSION

After reading Plaintiff's Memorandum in Support of her Motion to exclude all evidence that the arrest warrant was signed by the Honorable Kevin S.C. Chang, Defendants could not extract any coherent reason why Judge Chang's signature should be omitted from the federal arrest warrant for Allan Coloyan.

Nonetheless, Defendants argue that the signature of the judge that issued the federal arrest warrant at issue in this case is relevant, pursuant to Rule 401 of the FRE, in that it demonstrates that the subject document is authentic and was signed and executed by a federal district court judge. On the other hand, Defendants will not object to this motion, in limine, so long as the following conditions are met: (1)

² Defendants disagree with Plaintiff's statement that there are two issues. Defendants assert that there is only one issue in this case, that being whether Plaintiff consented to Defendants' entry to search her home to verify that her son was not present within the residence. Defendants will address this issue in their trial brief.

the whole line stating the judge's name, his title and signature, if any, be omitted (including the word "By:"), and (2) this Court give an instruction that this federal arrest warrant was signed by a federal district court judge and was properly issued.

III. CONCLUSION

For all the foregoing reasons, Defendants respectfully request that this Honorable Court deny Plaintiff's Motion in Limine Re Exclusion of All Evidence that the Arrest Warrant for Allen Coloyan was Signed by Kevin S.C. Chang. However, Defendants will not object to this motion so long as the above-mentioned conditions are met.

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:


KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorney for Defendants
WILLIAM P. BADUA
JEFFREY OMAI and
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN,) CIVIL NO. 03-476 KSC
)
Plaintiff,) CERTIFICATE OF SERVICE
)
vs.)
)
WILLIAM P. BADUA;)
JEFFREY OMAI;)
SPENCER ANDERSON;)
NEIL PANG;)
and DOES 5-10,)
)
Defendants.)
)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand delivery to the following individuals at their addresses shown below on February 28, 2006:

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and

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and

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Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:

Kendra Kawai

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MARIE MANUELE GAVIGAN
Deputies Corporation Counsel

Attorney for Defendants
WILLIAM P. BADUA
JEFFREY OMAI and
SPENCER ANDERSON